

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA and
STATE OF LOUISIANA,

Plaintiffs,

v.

CANADIANOXY OFFSHORE
PRODUCTION CO.,

Defendant.

Civil Action No.

COMPLAINT

Plaintiff, the United States of America, by the authority of the Attorney General of the United States and through the undersigned attorneys, acting at the request of the Administrator of the United States Environmental Protection Agency ("EPA"), and the State of Louisiana by and through its Attorney General, on behalf of the people of the State of Louisiana, and the Louisiana Department of Environmental Quality, by and through its Secretary, files this Complaint and alleges as follows:

I. PRELIMINARY STATEMENT OF CASE

1. This is a civil action under Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 as amended ("CERCLA"), 42 U.S.C. § 9607, for recovery of response costs that have been and will be incurred by the United States and the State of Louisiana in response to releases and threatened releases of hazardous substances from the facility known as the Highway 71/72 Refinery Site (the "Site") located in Bossier City, Bossier Parish, Louisiana. Pursuant to Section 113(g)(2) of CERCLA, 42 U.S.C. § 9613(g)(2),

and 28 U.S.C. § 2201, the United States and the State of Louisiana also seeks a declaratory judgment that the defendant shall be liable for any response costs incurred by the United States or the State of Louisiana in the future with respect to the Site.

II. JURISDICTION AND VENUE

2. This Court has jurisdiction over this matter pursuant to Sections 107 and 113(b) of CERCLA, 42 U.S.C. §§ 9607 and 9613(b), and 28 U.S.C. §§ 1331 and 1345.

3. Venue properly lies in the Western District of Louisiana under Section 113(b) of CERCLA, 42 U.S.C. § 9613(b), and 28 U.S.C. § 1391 because these claims arise in connection with a release and threat of release of hazardous substances which has occurred in this judicial district and in connection with property which is located within this judicial district.

III. DEFENDANT

4. Defendant CanadianOxy Offshore Production Co. ("COPCO" or "Defendant") is a Delaware corporation.

5. COPCO is a "person" within the meaning of Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

6. COPCO is successor to certain corporations each of which was owner and/or operator of the Site at a time when hazardous substances were disposed of on the Site. As successor to these corporations, COPCO assumes its predecessor's liability under CERCLA.

IV. GENERAL ALLEGATIONS

Description and history of the Highway 71/72 Refinery Site

7. The Site, at present, occupies approximately 215 acres located in Bossier City, Bossier Parish, Louisiana.

8. The Site, at present, contains single family homes, apartments, hotels, restaurants, and various other commercial enterprises.

9. According to 1998 U.S. Census data, approximately 3,500 people including approximately 370 children six-years-old and under live on the Site.

10. Before the Site was developed, a petroleum refinery and petroleum storage operation was located on the Site. Petroleum refinery operations and petroleum storage operations began on or before May 30, 1936.

11. Petroleum refinery operations continued on part or all of the Site up until some time between 1944 and 1948.

12. Petroleum storage operations continued on part or all of the Site up until some time between late 1966 and early 1967.

13. The Site was cleared of tanks and most or all refinery equipment by about 1967 or 1968.

14. Beginning in about 1967, the Site was leveled and graded in preparation for the sale of the land to developers.

Corporate history of Defendant

15. Arkansas Fuel Oil Company was incorporated in West Virginia in about 1912 (hereinafter the parenthetical reference to a state after the name of a corporation refers to the state of incorporation of the corporation in question).

16. On or about April 17, 1953, Arkansas Fuel Oil Company (West Virginia), and Arkansas Natural Gas Corporation (Delaware) merged into Arkansas Natural Gas Corporation

(Delaware), which simultaneously changed its name to Arkansas Fuel Oil Corporation (Delaware).

17. On or about December 28, 1960, Cities Service Oil Company (Delaware) (*hereinafter Cities Service Oil Company (Delaware, 1909)*) changed its name to Cities Service Petroleum Company (Delaware).

18. On or about January 1, 1961, Arkansas Fuel Oil Corporation (Delaware), Cities Service Oil Company (Pennsylvania), and Orange State Oil Company (Florida) merged into Arkansas Fuel Oil Corporation (Delaware) which simultaneously changed its name to Cities Service Oil Company (Delaware) (*hereinafter Cities Service Oil Company (Delaware, 1961)*).

19. On or about December 31, 1962, Cities Service Oil Company (Delaware, 1961), Cities Service Refining Corporation (Delaware), and Cities Service Petroleum Company (Delaware) [formerly Cities Service Oil Company (Delaware, 1909)] merged into Cities Service Petroleum Company (Delaware), which simultaneously changed its name to Cities Service Oil Company (Delaware) (*hereinafter Cities Service Oil Company (Delaware, 1909)*). Hereinafter, Arkansas Fuel Oil Company (West Virginia), Arkansas Fuel Oil Corporation (Delaware), Cities Service Oil Company (Delaware, 1961), and Cities Service Oil Company (Delaware, 1909) are collectively referred to as “the Predecessor Corporations.”

20. On or about December 29, 1978, Cities Service Oil Company (Delaware, 1909) merged into Cities Service Company (Delaware) (*hereinafter Cities Service Company (Delaware, 1910)*).

21. On or about September 7, 1983, Cities Service Company (Delaware, 1910) was renamed Cities Offshore Production Co.

22. On or about February 27, 1984, Cities Offshore Production Co. changed its name to CanadianOxy Offshore Production Co.

Defendant's ownership and operation of the Site

23. By mid-1929, Louisiana Oil Refining Corporation was owner of most of the real property within the boundary of the Site.

24. By about 1936, Louisiana Oil Refining Corporation built a petroleum refinery and petroleum storage operation on the Site.

25. By 1936, the petroleum refinery and petroleum storage operation included bulk petroleum storage tanks, catalytic cracking units, and surface impoundments.

26. Between about February 12, 1937, and about September 17, 1940, Arkansas Fuel Oil Company (West Virginia) obtained ownership of all the real property within the boundary of the Site.

27. Arkansas Fuel Oil Company (West Virginia) operated the petroleum refinery on the Site from the time it obtained ownership until some time between about January 1, 1944 and about December 31, 1948.

28. Arkansas Fuel Oil Company (West Virginia) retained ownership of all the real property within the Site boundary until about October 3, 1951.

29. Arkansas Fuel Oil Company (West Virginia) conducted petroleum storage operations and tank car repair operations on the Site from the time it obtained ownership until about April 17, 1953.

30. Cities Service Company (Delaware) also performed tank car repair operations on the Site From some time between about January 1, 1944, and about December 31, 1948 up until about April 17, 1953.

31. Some time between about January 1, 1944 and about December 31, 1948, Arkansas Fuel Oil Company (West Virginia) shut down most refinery operations, and began operations to dismantle most refinery process equipment on the Site.

32. On or about October 3, 1951, Arkansas Fuel Oil Company (West Virginia) conveyed a part of the Site real property to a utility company.

33. On or about April 17, 1953, Arkansas Fuel Oil Corporation (Delaware) became owner of all the real property within the boundary of the Site except for that portion conveyed to a utility company by Arkansas Fuel Oil Company (West Virginia) in 1951.

34. Except for a part of the Site which it conveyed to the Bossier Parish School Board in 1957, Arkansas Fuel Oil Corporation (Delaware) retained ownership of Site real property described in the preceding paragraph until on or about December 5, 1960.

35. Arkansas Fuel Oil Corporation (Delaware) and Cities Service Oil Company conducted railroad tank car repair operations on the Site during a period of time that included at least the period of time from about 1953 to about 1957.

36. From some time in 1953 to some time in 1960, Arkansas Fuel Oil Corporation (Delaware) performed petroleum storage operations at the Site.

37. On or about December 5, 1960, Arkansas Fuel Oil Corporation (Delaware) conveyed and assigned to Cities Service Reserves, Inc. (Delaware) all of the Site real property which it owned at the time (which was most of the Site real property).

38. On or about December 21, 1960, Cities Service Reserves, Inc. (Delaware), conveyed the Site property (which was most of the Site) which it acquired from Arkansas Fuel Oil Corporation (Delaware) to Cities Service Company (Delaware, 1910).

39. Some petroleum storage tanks and surface impoundments remained on the Site until at least about October 26, 1966.

40. In order to clear the Site for development, in about 1967, Cities Service Oil Company (Delaware, 1909) conducted operations to fill surface impoundments, and to level dikes, spoil banks and mounds on the Site.

41. Cities Service Oil Company (Delaware, 1909), through its contractors or agents, filled in surface impoundments which were once located on the Site.

42. Cities Service Oil Company (Delaware, 1909), through its contractors or agents, leveled and graded the diked areas which were once located around the petroleum storage tanks on the Site.

43. Cities Service Oil Company (Delaware, 1909), through its contractors or agents, leveled and graded the area which was once used for the railroad tank car repair operation on the Site.

44. On or about September 7, 1983, Cities Service Company (Delaware, 1910) was renamed Cities Offshore Production Co.

45. On or about February 27, 1984, Cities Offshore Production Co. changed its name to CanadianOxy Offshore Production Co.

Lead and Benzene contamination of the Site

46. During the period of time from about November 21, 1938, to about December 31, 1967, lead was dumped, spilled or otherwise disposed of on the Site soil.

47. During the period of time from about November 21, 1938, to about December 31, 1967, benzene was dumped, spilled, or otherwise disposed of on the Site soil.

48. At the time that the dumping, spilling, or disposal described above took place, COPCo as one or more of its predecessor corporations owned or operated the part of the Site property where the dumping or spilling took place.

Investigations of the Site and response actions

49. The Site was inspected by various parties including the U.S. Environmental Protection Agency (EPA) Emergency Response Branch (ERB), the U.S. EPA Field Investigation Team (FIT), the Louisiana Department of Environmental Quality (LDEQ), OXY USA Inc., and Cities Service Company.

50. In August 1986, EPA evaluated the Site under Appendix A to 40 CFR Part 300, the Hazard Ranking System (HRS), in order to determine whether the Site should be placed on the National Priorities List (NPL), Appendix B to 40 CFR Part 300, pursuant to Section 105 of CERCLA, 42 U.S.C. § 9605. At that time, the Site received an HRS score below the score that is necessary for a Site to qualify for the NPL.

51. On February 12, 1988, EPA referred the Site to LDEQ for action under state authority.

52. In 1990, 47 families were evacuated from Alexis Park Apartments on Loreco Street on the Site due to high indoor air quality problems related to hydrocarbon gas seepage from the underlying soil.

53. Beginning in 1990, the site was investigated by Cities Service Company and by OXY USA, Inc. (OXY) under an administrative agreement with LDEQ. The investigation included collection of soil samples, surface water samples, and ground water samples. The samples were analyzed to determine the presence of hazardous substances associated with the petroleum refinery and petroleum storage operation that was once located on the Site.

54. Under the investigation conducted with LDEQ oversight, LDEQ determined that hydrocarbon gases exist in the soil on over 25% of the Site.

55. Under the investigation conducted with LDEQ oversight, lead was detected in soil on the Site. Soil lead concentration levels found on the Site included concentration levels ranging from 500 parts per million ("ppm") soil to 11,800 ppm.

56. EPA's investigation of the Site for the purpose of ranking using the Hazard Ranking System (HRS), 40 CFR Part 300 Appendix A, in about 1985 or 1986 found that normal background concentrations of lead in the Site soils were in the range of 10 ppm.

57. Under the revised HRS, the Site was proposed for listing on the National Priorities List (NPL) pursuant to CERCLA Section 105, 42 U.S.C. § 9605, on February 13, 1995 (60 Fed. Reg. 8212).

58. As a result of its analysis of the various investigations that had been conducted on the Site, EPA determined that a number of "hazardous substances," as defined in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), were dumped, spilled, disposed of, or otherwise came to be

located, at the Site. These hazardous substances included without limitation lead, tetraethyl lead, benzene, petroleum refinery primary oil/water/solids separation sludge which is Resource Conservation and Recovery Act (RCRA) waste number FO37 (40 CFR § 261.31), tank bottoms (leaded) which are RCRA waste number KO52 (40 CFR § 261.32), and heat exchanger bundle cleaning sludge from the petroleum refining industry which is RCRA waste number KO50 (40 CFR § 261.32). All listed hazardous wastes under Section 3001 of the Solid Waste Disposal Act, 42 U.S.C. § 6921, are specifically identified as CERCLA hazardous substances. CERCLA Section 101(14), 42 U.S.C. § 9601(14).

59. EPA issued an Action Memorandum on July 31, 1996. The Action Memorandum memorialized EPA's decision that a removal action to address lead-contaminated soil on the Site was warranted under CERCLA Section 104, 42 U.S.C. § 9604. EPA's decision was based on EPA's the administrative record for the removal decision, including without limitation the results of the Site investigation conducted by Cities Service company, and OXY with LDEQ oversight.

60. On July 31, 1996, under the authority of CERCLA Section 106, 42 U.S.C. § 9606, EPA issued unilateral administrative order ("UAO") Docket No. 6-08-96 to Defendant. The UAO requires Defendant to undertake a removal action to address lead-contaminated soil on certain parts of the Site. EPA amended the July 31, 1996 UAO on August 16, 1996 in order to add additional lead-contaminated parts of the Site to the scope of the removal action.

61. Under EPA oversight, Defendant is presently completing the work required by the July 31, 1996 UAO as amended.

62. In June 1996, the Environmental Protection Agency, through the EPA Environmental Response Team, performed extensive indoor air quality measurements and soil

gas measurements on 92 properties located upon the Site. The results show that of the 92 properties tested, 23 had indoor air levels of benzene in excess of 10 parts per billion ("ppb").

63. A December 1996 draft of the Agency for Toxic Substances and Disease Registry ("ATSDR") public health assessment for the Site classified the Site as a public health hazard based upon evaluation of the levels of benzene found in indoor air of occupied residences.

64. EPA issued an Action Memorandum on December 20, 1996. The Action Memorandum memorialized EPA's decision that a removal action to address benzene contamination in indoor air in residences located on the Site was warranted under CERCLA Section 104, 42 U.S.C. § 9604. EPA's decision was based on EPA's administrative record for the removal decision, including without limitation the results of the Environmental Response Team investigation and the draft ATSDR public health assessment.

65. On December 20, 1996, under the authority of CERCLA Section 106, 42 U.S.C. § 9606, EPA issued unilateral administrative order ("UAO") Docket No. CERCLA 06-03-97 to Defendant. The UAO requires Defendant to undertake a removal action to address benzene contamination in indoor air in certain residences on certain parts of the Site. EPA amended the December 20, 1996 UAO on February 13, 1997.

66. Under EPA oversight, Defendant is presently completing the work required by the December 20, 1996 UAO as amended.

67. On February 25, 1999 EPA, pursuant to 40 CFR § 300.430, completed its remedial investigation (RI) and feasibility study (FS) (collectively the "RI/FS") for the Site. The purpose of the RI was to collect data necessary to adequately characterize the Site for the purpose of developing and evaluating effective alternatives for the long-term remediation of the Site. The

primary objective of the FS was to ensure that appropriate remedial alternatives are developed for the Site and evaluated so that an appropriate long-term remedy could be selected for the Site.

68. On May 11, 2000, EPA, pursuant to 40 CFR § 300.430, presented a proposed plan for the Site to the public. The purpose of the proposed plan was to supplement the RI/FS and to provide the public with a reasonable opportunity to comment on the remedial alternative for the Site which EPA initially determined to provide the best balance of trade-offs.

69. Pursuant 40 CFR § 300.430, after receiving comments from the state and the community, EPA reassessed its initial determination as to the preferred remedial alternative for the Site, factoring in new information or points of view expressed by the State and community during the public comment period. EPA made its final remedy selection decision for the Site in a record of decision ("ROD") issued on September 28, 2000.

70. EPA's September 28, 2000 ROD calls for response actions to address the release of benzene to indoor air on the Site, the release of the hazardous substances FO37, KO50, KO52, lead, benzene, and other hazardous substances to soil on the Site, and the release of FO37, KO50, KO52, benzene, and other hazardous substances to ground water located on the Site.

71. As of September 30, 2003, the United States has incurred approximately \$6,369,708.56 in costs of removal or remedial action for the Site which costs are not inconsistent with the national contingency plan, 40 CFR Part 300. EPA may incur additional costs of removal or remedial action for the Site.

72. As of September 2004, the State of Louisiana has incurred approximately \$360,000.00 in costs of removal or remedial action for the Site which costs are not inconsistent

with the national contingency plan, 40 CFR Part 300. The State of Louisiana may incur additional costs of removal or remedial action for the Site.

V. LAW GOVERNING CLAIM FOR RELIEF

73. Sections 104(a)(1) and (b) of CERCLA, 42 U.S.C.

§§ 9604(a)(1) and (b), provide in pertinent part:

104(a)(1)- Whenever (A) any hazardous substance is released or there is a substantial threat of such a release into the environment, or (B) there is a release or substantial threat of release into the environment of any pollutant or contaminant which may present an imminent and substantial danger to the public health or welfare, the President is authorized to act, consistent with the national contingency plan, to remove or arrange for the removal of, and provide for remedial action relating to such hazardous substance, pollutant, or contaminant at any time (including its removal from any contaminated natural resource), or take any other response measure consistent with the national contingency plan which the President deems necessary to protect the public health or welfare or the environment.

* * * *

104(b)(1)- Whenever the President is authorized to act pursuant to subsection (a) of this section, or whenever the President has reason to believe that a release has occurred or is about to occur, or that illness, disease, or complaints thereof may be attributable to exposure to a hazardous substance, pollutant, or contaminant and that a release may have occurred or be occurring, he may undertake such investigations, monitoring, surveys, testing, and other information gathering as he may deem necessary or appropriate to identify the existence and extent of the release or threat thereof, the source and nature of the hazardous substances, pollutants or contaminants involved, and the extent of danger to the public health or welfare or to the environment. In addition, the President may undertake such planning, legal, fiscal, economic, engineering, architectural, and other studies or investigations as he may deem necessary or appropriate to plan and direct response actions, to recover the costs thereof, and to enforce the provisions of this Act.

74. The President has delegated his authority under Sections 104(a) and (b) of CERCLA, 42 U.S.C. §§ 9604(a) and (b), to the Administrator of the EPA to arrange for the

cleanup of hazardous waste or to conduct investigations and studies as necessary to determine the need for, and extent of, such a cleanup.

75. Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), provides in pertinent part:

Notwithstanding any other provision or rule of law, and subject only to the defenses set forth in subsection (b) of this section -

- (1) the owner and operator of a vessel or a facility,
- (2) any person who at the time of disposal of any hazardous substance owned or operated any facility at which such hazardous substances were disposed of,
- (3) any person who by contract, agreement, or otherwise arranged for disposal or treatment, or arranged with a transporter for transport for disposal or treatment, of hazardous substances owned or possessed by such person, by any other party or entity, at any facility or incineration vessel owned or operated by another party or entity and containing such hazardous substances, and
- (4) any person who accepts or accepted any hazardous substances for transport to disposal or treatment facilities, incineration vessels or sites selected by such person, from which there is a release, or a threatened release which causes the incurrence of response costs, of a hazardous substance, shall be liable for -
 - (A) all costs of removal or remedial action incurred by the United States Government or a State or an Indian tribe not inconsistent with the national contingency plan;
 - (B) any other necessary costs of response incurred by any other person consistent with the national contingency plan;
 - (C) damages for injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss resulting from such a release

76. Section 113(g)(2)(B) of CERCLA, 42 U.S.C.

§ 9613(g)(2)(B), provides:

In any such action described in this subsection [an action for recovery of costs under Section 107 of CERCLA], the court shall enter a declaratory judgment on liability for response costs or damages that will be binding on any subsequent action or actions to recover further response costs or damages.

VI. CLAIM FOR RELIEF

77. The allegations in paragraphs 1 through 76 are realleged and incorporated herein.

78. Lead, tetraethyl lead, benzene, petroleum refinery primary oil/water/solids separation sludge (RCRA waste number FO37 (40 CFR § 261.31)), tank bottoms (leaded) (RCRA waste number KO52 (40 CFR § 261.32)), and heat exchanger bundle cleaning sludge from the petroleum refining industry (RCRA waste number KO50 (40 CFR § 261.32)) are hazardous substances within the meaning of Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).

79. The past spilling, escaping, dumping, leaching, leaking and disposing of the hazardous substances described in the preceding paragraph onto the soil which is part of the land surface of the Site, into the surface water on the Site, and into the ground water on the Site as described in Section IV (GENERAL ALLEGATIONS), are "releases" as defined in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22).

80. The Highway 71/72 Refinery Site is a "facility" within the meaning of Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

81. The United States and the State of Louisiana have undertaken and may undertake response actions in the future at the Site, in response to releases or threatened releases of hazardous substances, within the meaning of Sections 104 and 107 of CERCLA, 42 U.S.C. §§ 9604 and 9607.

82. As a result of the releases or threatened releases of hazardous substances at or from the Site, the United States has incurred response costs within the meaning of Section 101(25), 42 U.S.C. § 9601(25), and as used in Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).

83. At present, the United States has incurred and paid at least \$6.3 million in response costs at or in connection with the Site. The State of Louisiana has incurred and paid at

least \$360,000 in response costs at or in connection with the Site. The United States and the State of Louisiana may incur additional response costs at or in connection with the Site.

84. The response actions undertaken and response costs incurred and paid by the United States and the State of Louisiana in connection with the Site are not inconsistent with the National Oil and Hazardous Substance Pollution Contingency Plan ("NCP"), 40 CFR Part 300, promulgated pursuant to Section 105 of CERCLA, 42 U.S.C. § 9605, including any amendments thereto.

85. Defendant, CanadianOxy Offshore Production Co. (Delaware), was formerly named Cities Offshore Production Co. (Delaware) which was formerly named Cities Service Company (Delaware, 1910). Cities Service Company (Delaware, 1910) is the successor of Cities Service Oil Company (Delaware, 1909) which was formerly named Cities Service Petroleum Company (Delaware). Cities Service Oil Company (Delaware, 1909) is the successor of Cities Service Oil Company (Delaware, 1961) which was formerly named Arkansas Fuel Oil Corporation (Delaware). Arkansas Fuel Oil Corporation (Delaware) is the successor of Arkansas Fuel Oil Company (West Virginia). Therefore, Defendant, CanadianOxy Offshore Production Co. (Delaware), is the successor to the following corporations: Arkansas Fuel Oil Company (West Virginia), Arkansas Fuel Oil Corporation (Delaware), Cities Service Oil Company (Delaware, 1961), and Cities Service Oil Company (Delaware, 1909).

86. Defendant, CanadianOxy Offshore Production Co. (Delaware), as corporate successor, is liable for the acts and omissions of the following corporations: Arkansas Fuel Oil Company (West Virginia), Arkansas Fuel Oil Corporation (Delaware), Cities Service Oil Company (Delaware, 1961), and Cities Service Oil Company (Delaware, 1909).

87. Defendant, CanadianOxy Offshore Production Co. (Delaware), was an owner of a facility--the Site--at the time hazardous substances were disposed of at the facility within the meaning of CERCLA Section 107(a)(2), 42 U.S.C. § 9607(a)(2), because Defendant is liable for the acts and omissions of Arkansas Fuel Oil Company (West Virginia), Arkansas Fuel Oil Corporation (Delaware), Cities Service Oil Company (Delaware, 1961), and Cities Service Oil Company (Delaware, 1909) each of which owned the Site at a time when hazardous substances were disposed of on the land surface, into the surface water, or into the ground water at the Site.

88. Defendant, CanadianOxy Offshore Production Co. (Delaware), was an operator of a facility--the Site--at the time hazardous substances were disposed of at the facility within the meaning of CERCLA Section 107(a)(2), 42 U.S.C. § 9607(a)(2), because Defendant is liable for the acts and omissions of Arkansas Fuel Oil Company (West Virginia), Arkansas Fuel Oil Corporation (Delaware), Cities Service Oil Company (Delaware, 1961), and Cities Service Oil Company (Delaware, 1909) each of which operated the Site at a time when hazardous substances were disposed of on the land surface, into the surface water, or into the ground water at the Site.

89. Under CERCLA Subsection 107(a), 42 U.S.C. § 9607, Defendant, CanadianOxy Offshore Production Co. (Delaware), is liable for all costs of removal or remedial action for the Site incurred by the United States and or the State of Louisiana not inconsistent with the national contingency plan, 40 CFR Part 300.

90. Defendant is jointly and severally liable to the United States for all costs of response actions incurred and to be incurred by the United States related to the Site pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).

VII. PRAYER FOR RELIEF

WHEREFORE, the United States requests that this Court:

- (a) Enter judgment in favor of the United States and the State of Louisiana and against the Defendant, jointly and severally, for reimbursement of all costs incurred and paid by the United States and the State of Louisiana in responding to releases or threatened releases of hazardous substances at the Site, plus the costs of investigation and cost recovery related to such releases and this suit, plus pre-judgment interest;
- (b) Enter a declaratory judgment in favor of the United States and the State of Louisiana holding Defendant liable, jointly and severally, for all additional costs incurred or to be incurred by the United States in connection with the Site;
- (c) Award the United States its enforcement costs, including costs of attorney time, costs, and disbursements in this action; and
- (d) Grant such other and further relief as the Court may deem just and proper.

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